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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No.

2013-824

13 **JODI RAEANNE LUCAS**
104 Summerville Drive
14 Dry Ridge, KY 41035

A C C U S A T I O N

15 **Registered Nurse License No. 576534**

16 Respondent.

17
18 Louise R. Bailey, M.Ed., RN ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation solely in her official capacity as the Executive
21 Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

22 2. On or about January 30, 2001, the Board issued Registered Nurse License Number
23 576534 to Jodi Raeanne Lucas ("Respondent"). The license was in full force and effect at all
24 times relevant to the charges brought herein and expired on October 31, 2012.

25 **JURISDICTION**

26 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that
27 the Board may discipline any licensee, including a licensee holding a temporary or an inactive
28

1 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing
2 Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
4 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
5 to render a decision imposing discipline on the license. Under Code section 2811(b), the Board
6 may renew an expired license at any time within eight years after the expiration.

7 **STATUTORY PROVISIONS**

8 5. Code section 2761 states, in pertinent part:

9 "The board may take disciplinary action against a certified or licensed nurse or deny an
10 application for a certificate or license for the following:

11 (a) Unprofessional conduct.

12 (4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action
13 against a health care professional license or certificate by another state or territory of the United
14 States, by any other government agency, or by another California health care professional
15 licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that
16 action."

17 **COST RECOVERY**

18 6. Code section 125.3 provides, in pertinent part, that the Board may request the
19 administrative law judge to direct a licensee found to have committed a violation or violations of
20 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
21 enforcement of the case. Failure to pay all of the costs may subject the license to not being
22 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
23 included in a stipulated settlement.

24 **FIRST CAUSE FOR DISCIPLINE**

25 **(Out-of-State Discipline)**

26 7. Respondent is subject to discipline under Code section 2761(a)(4), in that Respondent
27 has been subject to out of state discipline as follows:
28

1 a. Effective August 26, 2011, pursuant to an Order of Immediate Temporary Suspension
2 issued by the Kentucky Board of Nursing, in a disciplinary proceeding titled *In the Matter of Jodi*
3 *Raeanne Lucas, RN License Number 1084892, Case No. 2011-1456 (Drugs)*, Respondent's
4 registered nursing license was immediately suspended on a temporary basis. The Order was
5 based on numerous Findings of Fact and Conclusion of Law, including the following: 1)
6 Respondent falsified an MRI report in an attempt to obtain controlled substances; and 2)
7 Respondent abuses the use of controlled substances. The Order is attached hereto as **Exhibit A**
8 and incorporated herein by reference.

9 b. Effective June 7, 2012, pursuant to a Stipulation and Consent Order issued by the
10 Minnesota Board of Nursing, in a disciplinary proceeding titled *In the Matter of Jodi R. Lucas,*
11 *R.N. License No. 154695-8*, Respondent's registered nursing license was suspended based on
12 Respondent's surrender of her Kentucky RN license. The Order was based on numerous Findings
13 of Fact and Conclusion of Law, including the following: 1) on June 29, 2010, Respondent submit
14 her "Reregistration Application" on which she denied violating any laws related to narcotics or
15 controlled substances, denied any criminal convictions, denied misuse of drugs or alcohol and
16 denied any impairments that would prevent her from practicing her profession safely; and 2) the
17 factual basis for cause for discipline by the Kentucky Board on July 8, 2011; and 3) the discipline
18 by the Kentucky Board of Respondent's license. The Order is attached hereto as **Exhibit B** and
19 incorporated herein by reference.

20 c. Effective October 3, 2012, pursuant to an Order of Suspension issued by the
21 Government of the District of Columbia Board of Nursing, in a disciplinary proceeding titled *In*
22 *Re: Jodi Luca, RN 961428*, Respondent's registered nursing license was suspended based on
23 Respondent's surrender of her Kentucky RN license. The Order was based on numerous Findings
24 of Fact and Conclusion of Law including the factual basis for cause for discipline by the
25 Kentucky Board on July 8, 2011 and the discipline by the Kentucky Board of Respondent's
26 license. The Order is attached hereto as **Exhibit C** and incorporated herein by reference.

27 //

28 //

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 576534, issued to Jodi Raeanne Lucas;
2. Ordering Jodi Raeanne Lucas to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: March 26, 2013 for Stacy Benn
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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Exhibit A

Commonwealth of Kentucky, Kentucky Board of Nursing Case No 2011-1456

**COMMONWEALTH OF KENTUCKY
KENTUCKY BOARD OF NURSING
Case Number: 2011-1456 (Drugs)**

In The Matter Of: **JODI RAEANN LUCAS**
 RN License Number 1084892
 156 The Masters
 Georgetown, Kentucky 40324

ORDER OF IMMEDIATE TEMPORARY SUSPENSION

Pursuant to KRS 314.089(1) and KRS 13B.125, and in order to protect the public, the Kentucky Board of Nursing (sometimes "the Board") hereby issues the following Order for the immediate temporary suspension of the Registered Nurse license of Jodi Raeann Lucas ("Respondent") to practice as a Registered Nurse ("sometimes RN") in the Commonwealth of Kentucky. Pursuant to the above-cited statutes, the basis for this Order is as follows:

FINDINGS OF FACT

1. Respondent was first licensed as a Registered Nurse ("RN") by the Board on February 18, 1997, license number 1084892. Accordingly, the Board has jurisdiction in this matter pursuant to KRS Chapter 314.
2. On or about June 17, 2011, the Board received a complaint filed against the Respondent by Central Kentucky Bariatric and Pain Management ("CKBPM"), Georgetown, Kentucky. Based on information contained in this complaint, CKBPM staff conducted a routine audit of patient medical charts. During the routine audit, CKBPM staff determined that the MRI report that Respondent submitted to CKBPM during the course of seeking treatment, appeared to have been falsified.
3. CKBPM staff contacted Plantation Open MRI, Plantation, Florida, where the MRI Report was alleged to have been accomplished to verify the legitimacy of the

In the Matter of: Jodi Raeann Lucas
RN License No. 1084892

MRI report. After reviewing the MRI report, Plantation Open MRI staff confirmed to CKBPM staff that the MRI report submitted by the Respondent had been falsified. As a result of submitting a falsified MRI report to CKBPM, Respondent created a misrepresentation of need in an attempt to obtain controlled substances. CKBPM staff notified local law enforcement of its findings and conclusions relative to Respondent's possible criminal possession of a medical record.

4. Based on this information, Respondent was notified on or about June 28, 2011, that a complaint had been filed against her with the Board, and that her written verified response to the complaint should be filed with the Board within thirty (30) days.

5. Additionally, finding from this information reasonable cause to believe that Respondent was unable to practice nursing with reasonable skill and safety, and pursuant to KRS 314.085(1), the Board issued an Order for a Chemical Dependency Evaluation ("Order") on July 8, 2011, serving same upon Respondent at her address of record pursuant to KRS 314.107 by certified U.S. mail, return receipt requested, postage pre-paid. Respondent signed the domestic return receipt, Form 3811 ("Green Card"), on July 9, 2011, and it was filed with the Board on July 11, 2011. The evaluation was due in the Board office on or before August 8, 2011.

6. On or about August 22, 2011, the Board received a Chemical Dependency Evaluation of Respondent performed by Paul Dalton, MS, LPCC, CADC, Lexington, Kentucky. The Chemical Dependency Evaluation provided a summary, in relevant part, as follows:

She [Jodi Raeann Lucas] broke her arm severely in December 2010 which began a spiraling drug addiction she is currently still caught up in.

Legal

2001 – Possession of a Controlled Substance

2007 – Indicted on felony charge which is currently pending reported as Theft by Deception for Possession of a Forged Instrument for possessing a title to a car which she reports was legal.

2010 – Indicted on felony charge of Possession of Narcotics which is currently pending. She reports this is for some type of drug found in her son's room when the police initiated one of several search warrants on her house since her adoptive parents' death.

2011 – Indicted on felony charge for Forging Medical Records. Outcome pending for forgery of an MRI. She admits this is a valid charge.

* * *

She has been taking two benzodiazepine drugs since 2007. She states that she uses Xanax and Ambien for decreased anxiety and sleep. Her dosage, length of time on the medication, and reports indicated abuse of this particular medication, especially considering it was in her system while she was taking high amounts of pain medication, a potentially life threatening combination of substances which did not seem to alarm her. As a nurse, her ability to deny that these medications were dangerous, potentially life threatening, and addictive in nature puts into question her own ability to practice and care for others.

The Chemical Dependency Evaluation provided a diagnosis of Opioid Dependence, sedative abuse r/o Dependence, Post Traumatic Stress Disorder and Depressive Disorder.

CONCLUSIONS OF LAW

7. Based on the facts as found above, Respondent's conduct constitutes a violation of KRS 314.091(1):

* * *

(d) -- Has negligently or willfully acted in a manner inconsistent with the practice of nursing;

(e) -- Is unfit or incompetent to practice nursing by reason of negligence or other causes, including but not limited to, being unable to practice nursing with reasonable skill or safety;

In the Matter of: Jodi Raeann Lucas
RN License No. 1084892

(f) -- Abuses use of controlled substances, prescription medications, illegal substances, or alcohol;

* * *

(h) -- Has falsified or in a negligent manner made incorrect entries or failed to make essential entries on essential records; and

* * *

(j) -- Has violated any of the provisions of this chapter, including KRS 314.021(2).

8. These violations of law are so egregious as to constitute an immediate danger to the public health, safety or welfare, and they justify the issuance of this Order of Immediate Temporary Suspension, pursuant to KRS 13B.125 and KRS 314.089.

The Respondent is hereby **ORDERED** to **CEASE AND DESIST** from the practice of nursing in the Commonwealth of Kentucky effective **IMMEDIATELY**. Any such practice after the date of this Order shall constitute grounds for further disciplinary action.

The Respondent's Registered Nurse license to practice nursing in the Commonwealth of Kentucky is immediately suspended on a temporary basis.

Pursuant to KRS 13B.125 (3), the Respondent may request a Hearing in regard to this Order. Any such request must be in writing and sent to the attention of the Hearing Officer, Kentucky Board of Nursing, Suite 300, 312 Whittington Parkway, Louisville, Kentucky 40222. A request for a Hearing does not stay the effect of this Order.

In the Matter of: Jodi Raeann Lucas
RN License No. 1084892

This 26th day of August 2011.

Charlotte F. Beason / Ed.D.

Charlotte F. Beason, Ed.D., RN, NEA
Executive Director
Kentucky Board of Nursing

Certificate of Service

This is to certify that a true and correct copy of the foregoing *Immediate Temporary Suspension* was served upon the Respondent, Jodi Raeann Lucas, through her counsel of record, William M. Butler, Jr., Attorney at Law, 504 Republic Plaza, 200 South Seventh Street, Louisville Kentucky 40202, pursuant to 201 KAR 20:370 §1(10) and KRS 314.107, by certified U.S. Mail, return receipt requested, postage pre-paid, by hand-delivery to the Hearing Officer, Kentucky Board of Nursing, 312 Whittington Parkway, Suite 305, Louisville, Kentucky 40222, Morgan G. Ransdell, Assistant Attorney General, Commonwealth of Kentucky, Office of the Attorney General, The Capitol Building, 700 Capital Avenue, Suite 118, Frankfort, Kentucky 40601, and the Docket Clerk, Kentucky Board of Nursing, Suite 305, 312 Whittington Parkway, Louisville, Kentucky 40222, all on this 26th day of August, 2011.

Morgan G. Ransdell R.L. "By Auth"

Morgan G. Ransdell
Assistant Attorney General
Commonwealth of Kentucky
Office of the Attorney General
The Capitol Building
700 Capital Avenue, Suite 118
Frankfort, Kentucky 40601
(502)696-5646

I hereby certify that the Order of Immediate Temporary Suspension was served the 26th day of August, 2011, and became effective on that date pursuant to KRS 13B.125(2).

Bene Ransdell
Consumer Protection Branch
Kentucky Board of Nursing

Exhibit B

Minnesota Board of Nursing, In the Matter of Jodi R Lucas RN License No 154695-8

BEFORE THE MINNESOTA

BOARD OF NURSING

In the Matter of
Jodi R. Lucas, R.N.
License No. 154695-8

**STIPULATION AND
CONSENT ORDER**

STIPULATION

Jodi R. Lucas, R.N. ("Licensee"), and the Minnesota Board of Nursing Review Panel ("Review Panel") agree the above-referenced matter may be resolved without trial of any issue or fact as follows:

I.

JURISDICTION

1. The Minnesota Board of Nursing ("Board") is authorized pursuant to Minnesota Statutes sections 148.171 to 148.285 to license and regulate registered nurses and to take disciplinary action as appropriate.

2. Licensee holds a license from the Board to practice professional nursing in the State of Minnesota and is subject to the jurisdiction of the Board with respect to the matters referred to in this Stipulation and Consent Order.

II.

BACKGROUND

3. By Notice of Conference dated February 14, 2012, the Board scheduled a conference with the Review Panel on March 22, 2012, to discuss allegations related to Licensee's nursing practice that were contained in the Notice of Conference. On February 27, 2012, Licensee called Board staff and indicated she was participating in a monitoring program in

Kentucky and she desired to settle the matter without a conference. Following a thorough review of all available information, the Review Panel, composed of Kathleen Haberman, Board member, and Kimberly Miller, Nursing Practice Specialist for the Board, determined the matter could be resolved by mail with a Stipulation and Consent Order for a suspension of Licensee's license.

4. Licensee was advised by the Board's representatives that she may choose to be represented by legal counsel in this matter. Licensee knowingly waived legal representation. Bryan Huffman, Assistant Attorney General, represents the Review Panel in this matter.

III.

FACTS

5. The parties agree this Stipulation and Consent Order is based upon the following facts:

a. On June 29, 2010, the Board received Licensee's *Reregistration Application*. Licensee answered "No" in response to questions asking whether she had ever violated a law related to narcotics or controlled substances; whether she had ever been convicted or entered a plea of guilty to a criminal offense; whether she had ever misused drugs or alcohol or been considered chemically dependent; and whether she had a physical or mental disability or illness that may impair her ability to practice nursing with reasonable skill and safety.

b. On July 8, 2011, the Kentucky Board of Nursing ("Kentucky Board") issued an Order for a Chemical Dependency Evaluation requiring Licensee to submit a chemical dependency evaluation to the KBON by August 8, 2011.

c. On August 22, 2011, the Kentucky Board received Licensee's chemical dependency evaluation. Licensee was diagnosed with opioid dependence, sedative abuse rule-out

dependence, post-traumatic stress disorder, and depressive disorder. The evaluation contained the following information:

1) In 2001, Licensee was charged with possession of a controlled substance.

2) In 2007, Licensee was indicted for felony theft by deception for possession of a forged instrument.

3) In 2007, Licensee began taking Xanax and Ambien. The evaluator opined that Licensee was abusing these medications based on the length of time she has been on these medications, the dosage, and the fact that she continued to take these medications with high levels of pain medications.

4) In 2010, Licensee broke her arm, "which began a spiraling drug addiction" that Licensee continued to be "caught up in."

5) In 2010, Licensee was indicted for felony possession of narcotics.

6) In 2011, Licensee was indicted for felony forging medical records.

d. On August 26, 2011, the Kentucky Board issued an Order of Immediate Temporary Suspension ("Kentucky Order"), suspending Licensee's license to practice professional nursing. The Kentucky Order is based on the result of Licensee's chemical dependency evaluation and her submission of a falsified magnetic resonance image ("MRI") to a pain management clinic in an attempt to obtain controlled substances.

e. On February 27, 2012, Licensee called the Board and informed Board staff that she is participating in Kentucky's alternative monitoring program for five years and her participation in the program requires her to practice nursing in Kentucky. Licensee said she preferred not to travel to Minnesota to attend the conference with the Review Panel and instead

she desired to settle the matter by mail with a suspension of her license until she completed the monitoring program in Kentucky.

IV.

LAWS

6. Licensee acknowledges the conduct described in section III. above constitutes a violation of Minnesota Statutes section 148.261, subdivision 1(2), (3), (4), (6), (9), (11) and (23) and justifies the disciplinary action described in section V. below.

V.

DISCIPLINARY ACTION

The parties agree the Board may take the following disciplinary action and require compliance with the following terms:

A. Suspension

7. The Board **SUSPENDS** Licensee's license to practice professional nursing. Licensee shall not engage in any act that constitutes the practice of nursing as defined in Minnesota Statutes section 148.171 and shall not imply by words or conduct that Licensee is authorized to practice nursing.

8. Licensee shall surrender to the Board her nursing registration certificate. Licensee shall personally deliver or mail the certificate to the Minnesota Board of Nursing, c/o Shirley A. Brekken, Executive Director, 2829 University Avenue S.E., Suite 200, Minneapolis, Minnesota 55414, within ten days of the date of this Order.

B. Reinstatement of License

9. Licensee may petition for reinstatement of her license following 5 years from the date of this Stipulation and consent Order and upon completion of the monitoring program in

Kentucky. The burden of proof shall be upon Licensee to demonstrate by a preponderance of the evidence that she is capable of practicing professional nursing in a fit and competent manner, is successfully participating in a program of chemical dependency rehabilitation, and has been sober and free from mood-altering chemicals during the 24 months immediately preceding her petition. At the time of Licensee's petition, Licensee shall meet with a Review Panel and comply with, at a minimum, the following:

a. Self-Report. Licensee shall submit to the Board a report from Licensee herself. The report shall be submitted at the time Licensee petitions for reinstatement of her license. The report shall provide and address:

1) Licensee's sobriety, including the date Licensee last used mood-altering chemicals, including alcohol, and the circumstances surrounding any use while this Stipulation and Consent Order is in effect;

2) Licensee's treatment and participation in a chemical dependency rehabilitation program, including weekly attendance at a chemical dependency support group such as Alcoholics Anonymous ("AA") during the 24 months preceding the petition; evidence of participation shall include, but need not be limited to, attendance sheets on a form provided by the Board and that have been legibly signed or initialed and dated by a participant who attended the weekly meeting;

3) The type of employment in which Licensee has been involved;

4) Licensee's physical and mental health status, treatment plan, medications, and compliance with treatment;

5) Licensee's work schedule;

6) Licensee's future plans in nursing and the steps she has taken to prepare herself to return to nursing practice; and

7) Any other information Licensee believes would assist the Board in its ultimate review of this matter.

b. Reports Verifying Sobriety. Licensee shall cause to be submitted to the Board reports from two adult persons, at least one of whom is not related to Licensee by blood or marriage, who can attest to Licensee's sobriety. These reports shall be submitted at the time Licensee petitions for reinstatement of her license. Each report shall provide and address:

1) Licensee's regular participation in a chemical dependency support group such as AA or other structured chemical dependency rehabilitation program;

2) Licensee's sobriety, including the date she last used mood-altering chemicals, including alcohol; and

3) Any other information the reporter believes would assist the Board in its ultimate review of this matter.

c. Completion of Monitoring. Licensee shall cause to be submitted to the Board evidence of successful completion of the Kentucky monitoring program. Licensee shall cause her complete monitoring record to be submitted to the Board at the time of her petition.

d. Report From Employer. Licensee shall cause to be submitted to the Board a report from Licensee's employer. The report shall be submitted at the time Licensee petitions for reinstatement of her license. The report shall provide and address:

1) Licensee's sobriety;

2) Licensee's ability to perform assigned tasks;

- 3) Licensee's attendance and reliability;
- 4) Licensee's ability to handle stress;
- 5) Licensee's typical work schedule; and
- 6) Any other information the employer believes would assist the

Board in its ultimate review of this matter.

e. Report From Mental Health Treatment Professional. Licensee shall cause to be submitted to the Board a report from any mental health treatment professional whom Licensee consults while this Stipulation and Consent Order is in effect. The report shall be submitted to the Board at the time Licensee petitions for reinstatement of her license. The report shall provide and address:

- 1) Verification the mental health professional has reviewed this Stipulation and Consent Order;
- 2) Identification of a plan of treatment, including any medications, devised for Licensee;
- 3) A statement of the involvement between Licensee and the mental health professional, including the number and frequency of meetings;
- 4) Licensee's progress with therapy and compliance with the treatment plan;
- 5) Licensee's awareness of her personal problems;
- 6) The mental health professional's conclusion as to the need for continuing therapy and Licensee's discontinuance of therapy; and
- 7) Any other information the mental health professional believes would assist the Board in its ultimate review of this matter.

f. Report From Health Care Professional. Licensee shall cause to be submitted to the Board a report from any health care professional whom Licensee consults for physical health, mental health or chemical dependency treatment while this Stipulation and Consent Order is in effect. The reports shall be submitted at the time Licensee petitions for reinstatement of her license. The report shall provide and address:

1) Verification the health care professional has reviewed this Stipulation and Consent Order;

2) Identification of diagnoses and any plans of treatment, including medications, devised for Licensee;

3) Licensee's progress with therapy and compliance with the treatment plan;

4) A statement regarding Licensee's mental health status;

5) A statement regarding Licensee's sobriety;

6) Recommendations for additional treatment, therapy, or monitoring;

and

7) Any other information the health care professional believes would assist the Board in its ultimate review of this matter.

g. Report of Prescribed Mood-Altering Chemicals. Licensee shall cause to be submitted to the Board a report from any and all physicians, dentists, and other authorized health care professionals who have prescribed mood-altering chemicals for Licensee during the period this Stipulation and Consent Order is in effect. Each report is due at the time of petition and shall provide and address:

1) The name, dosage, frequency, and purpose of the mood-altering chemicals for Licensee;

2) Confirmation the physician, dentist, or other health care professional has been informed of Licensee's chemical dependency history; and

3) Any other information the reporter believes would assist the Board in its ultimate review of this matter.

h. Chemical Dependency Evaluation. Within 60 days prior to petitioning, Licensee shall complete a chemical dependency evaluation performed by a chemical dependency treatment professional. Licensee shall submit, or cause to be submitted, the credentials of the chemical dependency evaluator for review and preapproval by Board staff for purposes of this evaluation. Licensee is responsible for the costs of the evaluation. The results of the evaluation shall be sent directly to the Board and must include a statement verifying the evaluator has reviewed this Stipulation and Consent Order prior to the evaluation.

i. Compliance With Evaluator's Recommendations. Licensee shall comply promptly with any recommendations for additional evaluation and treatment made by the chemical dependency evaluator.

j. Mental Health Evaluation. If requested by the Board at the time of her petition, Licensee shall complete a mental health evaluation within 60 days of the request. The evaluation must be performed by a psychiatrist or a licensed psychologist. Licensee shall submit, or cause to be submitted, the credentials of the evaluator for review and pre-approval by Board staff for purposes of this evaluation. Licensee is responsible for the cost of the evaluation. The results shall be sent directly to the Board and shall provide and address:

- 1) Verification the evaluator has reviewed a copy of this Stipulation and Consent Order prior to the evaluation;
- 2) Diagnosis and any recommended treatment plan;
- 3) Licensee's ability to handle stress;
- 4) Recommendations for additional evaluation or treatment; and
- 5) Any other information the evaluator believes would assist the Board in its ultimate review of this matter.

k. Compliance With Evaluator's Recommendations. Licensee shall comply promptly with any recommendations for additional evaluation and treatment made by the mental health evaluator.

l. Pain Management Evaluation. If requested by the Board at the time of her petition, Licensee shall complete a pain management evaluation within 60 days of the request. The evaluation must be with a physician specializing in the treatment of chronic pain. Licensee shall submit, or cause to be submitted, the credentials of the evaluator for review and preapproval by Board staff for purposes of this evaluation. The results of the evaluation shall be sent directly to the Board and must include a statement verifying the evaluator has reviewed this Stipulation and Consent Order prior to the evaluation. The evaluation must include diagnoses and recommended treatment plan, recommended medication plan, and any further evaluations or treatment recommended by the evaluator.

m. Compliance With Evaluator's Recommendations. Licensee shall comply promptly with any recommendations for additional evaluation and treatment made by the pain management evaluator.

n. Random Alcohol and Drug Screens. At any time during the petition process, the Board may direct Licensee, without prior notice, to submit to laboratory hair, blood, and urine screenings to determine the presence or absence of alcohol or drugs. Licensee agrees to abstain from substances known to interfere with the toxicology screening process, including but not limited to certain foods, beverages, over-the-counter medications, and other products that contain poppy seeds, hempseeds, and ethyl alcohol. Examples include but are not limited to, nonalcoholic beer or wine; some desserts, salad dressings, soups and herbal remedies; and hand sanitizing and mouthwash products. Licensee shall arrange with her employer for release from work for purposes of fulfilling the requirements of the laboratory screening. The Board may contact Licensee by telephone, letter, or through personal contact by an agent to direct her to submit to the tests within two hours after she is contacted by the Board. The hair, blood, and urine screens shall be: (1) observed in their drawing; (2) handled through legal chain-of-custody methods; and (3) paid for by Licensee. The results of the screens shall be reported directly to the Board. The biological fluid testing shall take place at Hennepin County Medical Center, 701 Park Avenue South, Minneapolis, Minnesota 55415. If Licensee is farther than 30 miles from Hennepin County Medical Center and the blood and urine testing is to be completed through the mail, the drug screening tests used must be those obtained from Hennepin County Medical Center. All blood and urine tests processed through the mail must be directed to the attention of the toxicology supervisor at Hennepin County Medical Center.

o. Waivers. If requested by the Board at any time during the petition process, Licensee shall complete and sign health records waivers and chemical dependency treatment records waivers supplied by the Board to allow representatives of the Board to discuss Licensee's case with and to obtain written evaluations and reports and copies of all of Licensee's

health, mental health, or chemical dependency records from her physician, mental health professional/therapist, chemical dependency counselor, or others from whom Licensee has sought or obtained treatment, support, or assistance.

p. Additional Information. Licensee shall provide any additional information relevant to her petition reasonably requested by the Review Panel.

q. Reregistration Requirements. Licensee shall meet all reregistration requirements in effect at the time of her petition for reinstatement, including but not limited to completing the appropriate application, payment of requisite fees, and completion of any necessary continuing education requirements.

10. The Board may, at any regularly scheduled meeting following Licensee's petition for reinstatement pursuant to paragraph 9 above, take any of the following actions:

- a. Issue a nursing registration certificate to Licensee;
- b. Issue a nursing registration certificate to Licensee with limitations upon the scope of Licensee's practice and/or with conditions for Licensee's practice; or
- c. Continue the suspension of Licensee's license upon her failure to meet the burden of proof.

VI.

CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS

11. It is Licensee's responsibility to ensure all payments, reports, evaluations, and documentation required to be filed with the Board pursuant to this Stipulation and Consent Order are timely filed by those making the payment or preparing the report, evaluation, or documentation. Failure to make payments or file reports on or before their due date is a violation of this Stipulation and Consent Order. The information contained in the reports, evaluations, and

documentation is confidential and shall be submitted to the Board by United States Mail, courier, or personal delivery only.

12. If Licensee fails to comply with or violates this Stipulation and Consent Order, the Review Panel may, in its discretion, seek additional discipline either by initiating a contested case proceeding pursuant to Minnesota Statutes chapter 14 or by bringing the matter directly to the Board pursuant to the following procedure:

a. The Review Panel shall schedule a hearing before the Board. At least 20 days before the hearing, the Review Panel shall mail Licensee a notice of the violation(s) alleged by the Review Panel. In addition, the notice shall designate the time and place of the hearing. Within ten days after the notice is mailed, Licensee shall submit a written response to the allegations. If Licensee does not submit a timely response to the Board, the allegations may be deemed admitted.

b. The Review Panel, in its discretion, may schedule a conference with Licensee prior to the hearing before the Board to discuss the allegations and to attempt to resolve the allegations through agreement.

c. Prior to the hearing before the Board, the Review Panel and Licensee may submit affidavits and written argument in support of their positions. At the hearing, the Review Panel and Licensee may present oral argument. Argument shall not refer to matters outside the record. The evidentiary record shall be limited to the affidavits submitted prior to the hearing and this Stipulation and Consent Order. The Review Panel shall have the burden of proving by a preponderance of the evidence that a violation has occurred. If Licensee has failed to submit a timely response to the allegations, Licensee may not contest the allegations, but may present argument concerning the appropriateness of additional discipline. Licensee waives a hearing

before an administrative law judge, discovery, cross-examination of adverse witnesses, and other procedures governing hearings pursuant to Minnesota Statutes chapter 14.

d. Licensee's correction of a violation before the conference, hearing, or meeting of the Board may be taken into account by the Board but shall not limit the Board's authority to impose discipline for the violation. A decision by the Review Panel not to seek discipline when it first learns of a violation shall not waive the Review Panel's right to later seek discipline for that violation, either alone or in combination with other violations, at any time while Licensee's license is in a suspended status.

e. Following the hearing, the Board will deliberate confidentially. If the allegations are not proved, the Board shall dismiss the allegations. If a violation is proved, the Board may impose additional discipline, including additional conditions or limitations on Licensee's practice, an additional period of suspension, additional conditions of reinstatement, or revocation of Licensee's license.

f. Nothing herein shall limit the Review Panel's or the Board's right to temporarily suspend Licensee's license pursuant to Minnesota Statutes section 148.262, subdivision 3, based on a violation of this Stipulation and Consent Order or based on conduct of Licensee not specifically referred to herein. Similarly, nothing herein shall limit the Review Panel's or the Board's right to automatically suspend Licensee's license pursuant to Minnesota Statutes section 148.262, subdivision 2.

VII.

ADDITIONAL INFORMATION

13. Within ten days of execution of this Stipulation and Consent Order, Licensee shall provide the Board with the names of all states in which Licensee is licensed to practice professional or practical nursing or has applied for licensure as a professional or practical nurse.

14. Licensee waives the contested case hearing and all other procedures before the Board to which Licensee may be entitled under the Minnesota and United States constitutions, statutes, or rules.

15. Licensee waives any claims against the Board, the Minnesota Attorney General, the State of Minnesota, and their agents, employees, and representatives related to the investigation of the conduct herein, or the negotiation or execution of this Stipulation and Consent Order, which may otherwise be available to Licensee.

16. This Stipulation and Consent Order, the files, records, and proceedings associated with this matter shall constitute the entire record and may be reviewed by the Board in its consideration of this matter.

17. Either party may seek enforcement of this Stipulation and Consent Order in any appropriate civil court.

18. Licensee has read, understands, and agrees to this Stipulation and Consent Order and has voluntarily signed the Stipulation and Consent Order. Licensee is aware this Stipulation and Consent Order must be approved by the Board before it goes into effect. The Board may either approve the Stipulation and Consent Order as proposed, approve it subject to specified change, or reject it. If the changes are acceptable to Licensee, the Stipulation and Consent Order will take effect and the order as modified will be issued. If the changes are unacceptable to

Licensee or the Board rejects the Stipulation and Consent Order, it will be of no effect except as specified in the following paragraph.

19. Licensee agrees that if the Board rejects this Stipulation and Consent Order or a lesser remedy than indicated in this settlement, and this case comes again before the Board, Licensee will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation and Consent Order or of any records relating to it.

20. This Stipulation and Consent Order shall not limit the Board's authority to proceed against Licensee by initiating a contested case hearing or by other appropriate means on the basis of any act, conduct, or admission of Licensee which constitutes grounds for disciplinary action and which is not directly related to the specific facts and circumstances set forth in this document.

VIII.

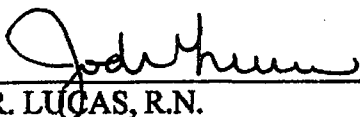
DATA PRACTICES NOTICES

21. This Stipulation and Consent Order constitutes disciplinary action by the Board and is classified as public data pursuant to Minnesota Statutes section 13.41, subdivision 5. Data regarding this action will be provided to data banks as required by Federal law or consistent with Board policy. While this Stipulation and Consent Order is in effect, information obtained by the Board pursuant to this Order is considered active investigative data on a licensed health professional, and as such, is classified as confidential data pursuant to Minnesota Statutes section 13.41, subdivision 4.


22. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies this Stipulation.

CONSENT:

BOARD OF NURSING
REVIEW PANEL


JODI R. LUCAS, R.N.
Licensee

Dated: 4/20, 2012


KATHLEEN HABERMAN
Board Member

Dated: 6/7, 2012

ORDER

Upon consideration of the Stipulation, the Board places Licensee's license in a **SUSPENDED** status and adopts all of the terms described above on this 7th day of June, 2012.

MINNESOTA BOARD
OF NURSING


SHIRLEY A. BREKKEN
Executive Director



Exhibit C

District of Columbia Board of Nursing, In RE: Jodi Lucas RN961428

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH
HEALTH REGULATION AND LICENSING ADMINISTRATION
BOARD OF NURSING**

IN RE:

Jodi Lucas, RN961428

Respondent

:
:
:
:
:
:

ORDER OF SUSPENSION

Jurisdiction

This matter comes before the District of Columbia ("D.C.") Board of Nursing (the "Board") pursuant to D.C. Official Code § 3-1202.04 (2001), otherwise known as the Health Occupations Revision Act (the "HORA"). The HORA, at D.C. Official Code § 3-1202.04(b)(1) (2001), authorizes the Board of Nursing to regulate the practice by nurses in the District of Columbia.

Background

On or about June 17, 2011, the Kentucky Board of Nursing received a complaint that you falsified an MRI report in order to obtain controlled substances. On July 8, 2011, the Kentucky Board issued an order for a chemical dependency evaluation, and on August 22, 2011, the Board received a report indicating that you were chemically dependent. On August 26, 2011, the Kentucky Board ordered an immediate temporary suspension of your license.

In response to a request from the D.C. Board of Nursing, Jodi Lucas voluntarily surrendered her license, along with a sworn affidavit on July 17, 2012.

D.C. Official Code § 3-1205.17 provides:

(a) Any health professional who is the subject of an investigation into, or a pending proceeding involving, allegations involving misconduct may

voluntarily surrender his or her license or privilege to practice in the District, but only by delivering to the board regulating the health occupation an affidavit stating that the health professional desires to surrender the license or privilege and that the action is freely and voluntarily taken, and not the result of duress or coercion.

(b) Upon receipt the required affidavit, the board shall enter an order revoking or suspending the license of the health professional or the privilege to practice.

(c) The voluntary surrender of a license shall not preclude the imposition of civil or criminal penalties.

ORDER

Based upon the aforementioned, it is hereby **ORDERED** – that the license of Jodi Lucas shall be and is hereby **SUSPENDED**. Jodi Lucas may petition the Board for licensure once her license is in good standing with the Kentucky Board of Nursing.

10/3/2012
Date

Rachael Mitzner
Rachael Mitzner, RN, MS
Chairperson
Board of Nursing